

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10 WESTERN DIVISION  
11

12 TYRONE FRANKLIN SWAIN,

13 Petitioner,

14 v.

15 LARRY SMALL,

16 Respondent.  
17

) Case No. CV 08-04186 GAF (AN)

) ORDER ACCEPTING THE FINDINGS  
) AND RECOMMENDATION OF THE  
) UNITED STATES MAGISTRATE JUDGE

18 Pursuant to 28 U.S.C. § 636, the Court has reviewed the file, including the  
19 Magistrate Judge's Report and Recommendation ("R&R") and Petitioner's Objections  
20 [45]. Further, the Court has completed a *de novo* review of those portions of the R&R  
21 to which Petitioner has objected.

22 IT IS ORDERED that:

23 1. The Objections are conclusory and do not show any of the findings and  
24 conclusions in the R&R are erroneous. Therefore, the Objections are overruled and the  
25 Court accepts the findings and recommendation of the R&R.

26 2. Judgment shall be entered denying the Petition and dismissing this action  
27 with prejudice.


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3. All motions are denied as moot and terminated.

IT IS FURTHER ORDERED that the clerk of the Court shall serve a copy of this Order and the Judgment on all counsel or parties of record.

Dated: September 26, 2012

  
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GARY A. FEESS  
UNITED STATES DISTRICT JUDGE